

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DIVISION  
WESTERN DIVISION**

**Sonya Colombaro,**

Plaintiff,

**vs.**

**Lucas County Board of  
Commissioners, et al.,**

Defendants.

\* CASE NO. 3:20 cv 02565

\* JUDGE KNEPP

\* **LUCAS COUNTY DEFENDANTS'**  
**JOINT ANSWER TO PLAINTIFFS'**  
**COMPLAINT**

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Now come Defendants Lucas County Board of Commissioners and the Lucas County Sheriff's Office (hereinafter collectively referred to as "Lucas County Defendants"), by and through counsel, and file their Answer to Plaintiffs' Complaint and states as follows:

**FIRST DEFENSE**

1. Lucas County Defendants hereby deny the averments of paragraph 1 of Plaintiffs' Complaint as to any alleged failure and further state that the basis of the claim speaks for itself.

2. Lucas County Defendants hereby deny the averments of paragraph 2 of Plaintiffs' Complaint.
3. Lucas County Defendants hereby deny the averments of paragraph 3 of Plaintiffs' Complaint.
4. Lucas County Defendants hereby deny the averments of paragraph 4 of Plaintiffs' Complaint.
5. Lucas County Defendants hereby deny the averments of paragraph 5 of Plaintiffs' Complaint.
6. Lucas County Defendants hereby deny the averments of paragraph 6 of Plaintiff's Complaint.
7. Lucas County Defendants hereby deny the averments of paragraph 7 of Plaintiff's Complaint.
8. Lucas County Defendants admit that Plaintiff is an employee of the Lucas County Sheriff's Office; and lack knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph of paragraph 8 of Plaintiff's Complaint.
9. Lucas County Defendants hereby deny the averments of paragraph 9 of Plaintiff's Complaint.
10. Lucas County Defendants hereby admit the averments of paragraph 10 of Plaintiff's Complaint.
11. Paragraph 11 of Plaintiff's Complaint Lucas County contains statements of law which Defendants neither admit nor deny.
12. Lucas County Defendants hereby neither admit nor deny the averments in

paragraph 12 of Plaintiff's Complaint.

13. Lucas County Defendants, subject to a proper claim being asserted, admit that they may be subject to personal jurisdiction in the Northern District of Ohio, Western Division; further admit that Plaintiff was employed by the Lucas County Sheriff but deny as to Lucas County Commissioners; and lack information or knowledge to determine import of "at all times relevant" and as to the remaining averments of paragraph 13 of Plaintiff's Complaint.

14. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 14 of Plaintiff's Complaint.

15. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the Equal Employment Opportunity Commission ("EEOC") being filed in a timely manner; and admits the EEOC issued a notice of her right to file a civil action on August 13, 2020 as alleged in paragraph 15 of Plaintiff's Complaint.

16. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 16 of Plaintiff's Complaint.

17. Lucas County Defendants hereby admit the averments set forth in paragraph 17 of Plaintiff's Complaint.

18. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 18 of Plaintiff's Complaint.

19. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 19 of Plaintiff's Complaint.

20. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 20 of Plaintiff's Complaint.

21. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 21 of Plaintiff's Complaint.
22. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 22 of Plaintiff's Complaint.
23. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 23 of Plaintiffs Complaint.
24. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 24 of Plaintiff's Complaint.
25. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 25 of Plaintiff's Complaint.
26. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 26 of Plaintiff's Complaint.
27. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 27 of Plaintiff's Complaint.
28. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 28 of Plaintiff's Complaint.
29. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 29 of Plaintiff's Complaint.
30. Lucas County Defendants hereby deny the averments of paragraph 30 of Plaintiff' Complaint.
31. Lucas County Defendants hereby deny the averments of paragraph 31 of Plaintiff' Complaint.

32. Lucas County Defendants deny that they have failed to protect female officers from sexual harassment and therefore deny the averments of paragraph 32 of Plaintiff Complaint.
33. Lucas County Defendants deny that the medical floor is considered a post where only females are assigned and therefore deny the averments of paragraph 33 of Plaintiff Complaint.
34. Lucas County defendants admit that on occasion sexually aggressive male inmates may be housed on the second floor, state that officers have the ability to bring charges against inmate for inappropriate conduct, and lack knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 34 of Plaintiff's Complaint.
35. Lucas County Defendants hereby deny the averments of paragraph 35 of Plaintiff Complaint.
36. Lucas County Defendants admit that female as well as male officers work overtime, state that overtime for officers has been the subject of collective bargaining, and therefore deny the averments of paragraph 36 of Plaintiff's Complaint.
37. Lucas County Defendants hereby deny the averments of paragraph 37 of Plaintiff Complaint.
38. Lucas County Defendants hereby deny the averments in paragraph 38 of Plaintiff's Complaint.
39. Lucas County Defendants re-alleges and reincorporates, as fully rewritten herein, paragraph 1 through 38 as to a response to paragraph 39 of Plaintiff's Complaint.

40. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 40 of Plaintiff's Complaint.
41. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 41 of Plaintiff's Complaint.
42. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 42 of Plaintiff's Complaint.
43. Lucas County Defendants hereby deny the averments in paragraph 43 of Plaintiff's Complaint.
44. Lucas County Defendants hereby deny the averments in paragraph 44 of Plaintiff's Complaint.
45. Lucas County Defendants hereby deny the averments in paragraph 45 of Plaintiff's Complaint.
46. Lucas County Defendants hereby deny the averments in paragraph 45 of Plaintiff's Complaint.
47. Lucas County Defendants hereby deny the averments in paragraph 47 of Plaintiff's Complaint.
48. Lucas County Defendants re-alleges and reincorporates, as fully rewritten herein, paragraph 1 through 47 as to a response to paragraph 48 of Plaintiff's Complaint.
49. Paragraph 49 sets for statements of law which can neither be admitted nor denied but, to the extent they are answerable, the averments are denied.
50. Lucas County Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 50 of Plaintiff's Complaint.

51. Lucas County Defendants hereby deny the averments in paragraph 51 of Plaintiff's Complaint.

52. Lucas County Defendants hereby deny the averments in paragraph 52 of Plaintiff's Complaint.

53. Lucas County Defendants re-alleges and reincorporates, as fully rewritten herein, paragraph 1 through 52 as to a response to paragraph 53 of Plaintiff's Complaint.

54. Lucas County Defendants hereby deny the averments in paragraph 54 of Plaintiff's Complaint.

55. Lucas County Defendants hereby deny the averments in paragraph 55 of Plaintiff's Complaint.

56. Lucas County Defendants hereby deny the averments in paragraph 56 of Plaintiff's Complaint.

57. Lucas County Defendants hereby deny the averments in paragraph 57 of Plaintiff's Complaint.

58. Lucas County Defendants hereby deny the averments in paragraph 58 of Plaintiff's Complaint.

59. Lucas County Defendants hereby deny the averments in paragraph 59 of Plaintiff's Complaint.

60. Lucas County Defendants hereby deny the averments in paragraph 60 of Plaintiff's Complaint.

61. Lucas County Defendants re-alleges and reincorporates, as fully rewritten herein, paragraph 1 through 60 as to a response to paragraph 61 of Plaintiff's Complaint.

62. Lucas County Defendants hereby deny the averments in paragraph 62 of Plaintiff's Complaint.

63. Lucas County Defendants hereby deny the averments in paragraph 63 of Plaintiff's Complaint.

64. Lucas County Defendants hereby deny the averments in paragraph 64 of Plaintiff's Complaint.

65. Lucas County Defendants hereby deny the averments in paragraph 65 of Plaintiff's Complaint.

66. Lucas County Defendants hereby deny the averments in paragraph 66 of Plaintiff's Complaint.

67. Lucas County Defendants hereby deny the averments in paragraph 67 of Plaintiff's Complaint.

68. Lucas County Defendants hereby deny the averments in paragraph 68 of Plaintiff's Complaint.

69. Lucas County Defendants deny each and every averment of Plaintiffs' Complaint which is not hereinabove been expressly and explicitly admitted to be true and further answering states that:

### **SECOND DEFENSE**

70. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

### **THIRD DEFENSE**

71. Plaintiffs' Complaint is barred by the applicable statute of limitations.



#### **FOURTH DEFENSE**

72. Lucas County Defendants are immune from suit for Plaintiffs' claims pursuant to the provisions of governmental immunity under Chapter 2744 of the Ohio Revised Code.

#### **FIFTH DEFENSE**

73. To the extent Plaintiff's factual allegations may be accurate, Plaintiff has failed to utilize the procedure in place to address inappropriate behavior by inmates.

#### **SIXTH DEFENSE**

74. Lucas County Defendants are immune from suit for Plaintiffs' claims under the doctrine of qualified immunity.

#### **SEVENTH DEFENSE**

75. Lucas County Defendants did not engage in any acts which deprived the Plaintiff of his civil rights as secured by the Constitution of the United States nor the Constitution of the State of Ohio.

#### **EIGHTH DEFENSE**

76. Lucas County Defendants have not formally adopted nor promulgated any policy, statement, ordinance, regulation nor decision by which Plaintiffs' rights under the Constitution of the United States or the Constitution of Ohio were violated or deprived.

#### **NINTH DEFENSE**

77. Lucas County Defendants have no custom nor usage by which Plaintiffs' rights under the Constitution of the United States nor the Constitution of the State of Ohio were violated or deprived.

#### **TENTH DEFENSE**

78. The injuries and damages alleged by Plaintiff was the direct and proximate result of the actions of a third party for which Lucas County Defendants are not responsible.

#### **ELEVENTH DEFENSE**

79. Plaintiffs' claims for compensatory damages against Lucas County Defendants are limited by Chapter 2744 of the Ohio Revised Code.

#### **TWELFTH DEFENSE**

80. Plaintiff has failed to join necessary and indispensable parties pursuant to Rules 19 and 19.1 of the Federal Rules of Civil Procedure.

#### **THIRTEENTH DEFENSE**

81. The injuries and damages alleged by Plaintiff were the result of intervening and/or superseding causes for which Defendants are not responsible.

#### **FOURTEENTH DEFENSE**

82. Lucas County Defendants are immune from suit under the Eleventh Amendment to the United States Constitution and the holding of the United States Supreme Court in Alden v. Maine, 527 U.S. 706 (1999).

#### **FIFTEENTH DEFENSE**

83. Lucas County Defendant, in its official capacity, is not a person under 42 USC Section 1983 and, therefore, is not liable for Plaintiffs' claims under that statute.

#### **SIXTEENTH DEFENSE**

84. Plaintiff has failed to set forth sufficient facts and details to substantiate her claim and/or to provide Lucas County Defendants an adequate opportunity to respond and identify all defenses.

#### **SEVENTEENTH DEFENSE**

85. Plaintiff has failed to exhaust all administrative and other procedural remedies.

#### **EIGHTEENTH DEFENSE**

86. Lucas County Defendants reserve the right to assert additional affirmative defenses based upon the evidence and/or claims subsequently brought forth during the course of the case.

WHEREFORE, Lucas County Defendants request that this Court grant judgment in their favor and against Plaintiff. Further, that this Court enter an order dismissing Plaintiffs' Complaint with prejudice and permit Lucas County Defendants to go hence without day and recover its costs and expenses incurred herein.

Respectfully submitted,

JULIA R. BATES  
Lucas County Prosecuting Attorney

By: /s/ Dennis A. Lyle  
Dennis A. Lyle  
Assistant Prosecuting Attorney  
Counsel for Lucas County Defendants  
Lucas County Prosecuting Attorney

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Counsel for Lucas County Defendants

**Certificate of Service**

This hereby certifies that the foregoing Certificate of Service was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system on this 14<sup>th</sup> day of January, 2021.

By: /s/ Dennis A. Lyle  
Dennis A. Lyle  
Assistant Prosecuting Attorney  
Counsel for Lucas County Defendants